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7  
8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2007-658

13 MISTY LANAE ANDERSEN AKA MISTY  
14 LANAE TAYLOR AKA MISTY LANAE  
15 LEACH AKA MISTY LANAE PEREZ

**A C C U S A T I O N**

16 301 Sahara Drive  
Ridgecrest, CA 93555  
Vocational Nurse License No. VN 188157

Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
21 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
22 Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs.  
23 2. On or about May 3, 1999, the Board issued Vocational Nurse License  
24 Number VN 188157 to Misty Lanae Andersen aka Misty Lanae Taylor aka Misty Lanae Leach  
25 aka Misty Lanae Perez (Respondent). The Vocational Nurse License was in full force and effect  
26 at all times relevant to the charges brought herein and will expire on January 31, 2009, unless  
27 renewed.

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3. This Accusation is brought before the Bureau under the authority of the

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4. Section 118, subdivision (b) of the Code provides in pertinent part that the

5. Section 490 of the Code provides in pertinent part that the Bureau may

6. Section 493 of the Code states in pertinent part that “in a proceeding

7. Section 2875 of the Code provides in pertinent part that the Bureau may

“The Board may suspend or revoke a license issued under this chapter [the

Vocational Nursing Practice Act] for any of the following:

“(a) Unprofessional conduct . . . .

. . .

“(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.”

9. Section 2878.5 of the Code states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . .

“(b) Use . . . alcoholic beverages . . . to an extent or in a manner dangerous or injurious to . . . herself, any other person, or the public, or to the extent that the use impairs . . . her ability to conduct with safety to the public the practice authorized by . . . her license.

“(c) Be convicted of a criminal offense . . . consumption . . . of any of the substances described in subdivision[ ] . . . (b) of this section, in which event the record of the conviction is conclusive evidence thereof.”

10. California Code of Regulations, title 16, section 2521 states:

“For the purposes of . . . suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

. . .

“(c) Violating or attempting to violate, directly or indirectly, . . . any provision or term of Chapter 6.5, Division 2 of the Business and Professions Code [Bus. & Prof. Code, § 2840 et seq.]”

1           11.     Section 125.3 of the Code provides in pertinent part that the Bureau may  
2 request the administrative law judge to direct a licensee found to have committed a violation or  
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
4 and enforcement of the case.

5                               FIRST CAUSE FOR DISCIPLINE

6                               (Convictions for Alcohol-Related Crimes)

7           12.     Respondent is subject to disciplinary action under Code section 2878.5,  
8 subdivision (c) in that Respondent pled guilty to three alcohol-related crimes, in violation of  
9 subdivisions (a) and (b) of Vehicle Code section 23152 and Penal Code section 647, subdivision  
10 (f). The circumstances are as follows:

11                   a.     First Alcohol-Related Crime.

12                               On or about July 23, 2007, a complaint in *People v. Andersen*, Fresno  
13 County Superior Court Case No. M07921627, was filed based on a June 19, 2007 hit-and-run car  
14 accident involving Respondent. The complaint charged Respondent with driving under the  
15 influence of alcohol (Veh. Code, § 23152, subd. (b)). On or about October 1, 2007, Respondent  
16 entered a plea of guilty to the misdemeanor crime of driving under the influence of alcohol, and  
17 the criminal court suspended the imposition of a judgment and sentence for thirty-six (36)  
18 months contingent on certain terms and conditions including attending and completing a three-  
19 month Level 1 First Offender Alcohol Program.

20                   b.     Second Alcohol-Related Crime.

21                               On or about July 30, 2007, a complaint in *People v. Anderson*, Kings  
22 County Superior Court Case No. 07CM2517, was filed based on a June 26, 2007 car accident  
23 involving Respondent. The complaint charged Respondent with driving under the influence of  
24 alcohol (Veh. Code, § 23152, subd. (a)). On or about August 15, 2007, Respondent pled guilty  
25 to violation of Vehicle Code section 23152, subdivision (a), a misdemeanor.

26                   c.     Third Alcohol-Related Crime.

27                               On or about September 20, 2007, in *People v. Anderson*, Kings County  
28 Superior Court Case No. 07CM3038, a complaint was filed based on an August 18, 2007

1 incident involving Respondent. The complaint charged Respondent with public intoxication  
2 (Pen. Code, § 647, subd. (f)). On or about October 4, 2007, Respondent pled guilty to violating  
3 Penal Code section 647, subdivision (f), a misdemeanor.

4 SECOND CAUSE FOR DISCIPLINE

5 (Illegal Use of Alcohol)

6 13. Respondent is subject to disciplinary action under Code section 2878.5,  
7 subdivision (b) in that Respondent used alcoholic beverages to an extent or in a manner  
8 dangerous or injurious to herself and others, and to an extent impairing Respondent's ability to  
9 safely conduct the practice authorized by her license. Complainant refers to, and by this  
10 reference, incorporates the allegations set forth in paragraph 12, subparagraphs (a) through (c)  
11 inclusive, as though set forth fully herein. In addition, Respondent is subject to disciplinary  
12 action due to the circumstances as follows:

13 a. On or about July 25, 2007, in *People v. Anderson*, Kings County  
14 Superior Court Case No. 07CM2429, a complaint was filed based on Respondent's arrest for  
15 public intoxication that occurred on or about July 4, 2007. The complaint charged Respondent  
16 with violating Penal Code section 647, subdivision (f), a misdemeanor. On or about August 15,  
17 2007, the District Attorney requested, and the criminal court ordered, the case dismissed due to  
18 Respondent's guilty plea in Kings County Superior Court Case No. 07CM2517, as set forth in  
19 paragraph 12, subparagraph (b).

20 THIRD CAUSE FOR DISCIPLINE

21 (Convictions for Crimes Substantially Related to Licensure)

22 14. Respondent is subject to disciplinary action under Code sections 490 and  
23 2878, subdivision (f), and California Code of Regulations, title 16, section 2521, subdivision (c),  
24 in that Respondent pled guilty to crimes substantially related to the qualifications, functions or  
25 duties of a licensed vocational nurse. Complainant refers to, and by this reference, incorporates  
26 the allegations set forth in paragraph 12, subparagraphs (a) through (c) inclusive, as though set  
27 forth fully herein.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 15. Respondent is subject to disciplinary action under Code sections 2878,  
4 subdivision (a) and 2878.5, subdivisions (b) and (c) in that Respondent engaged in  
5 unprofessional conduct acts. Complainant refers to, and by this reference, incorporates the  
6 allegations set forth in paragraph 12, subparagraphs (a) through (c) inclusive, and paragraph 13,  
7 subparagraph (a) inclusive, as though set forth fully herein.

8 FACTS IN AGGRAVATION

9 16. To determine the degree of discipline and as facts in aggravation,  
10 Complainant refers to, and by this reference, incorporates the allegations set forth in paragraph  
11 13, subparagraph (a) inclusive, as though set forth fully herein.

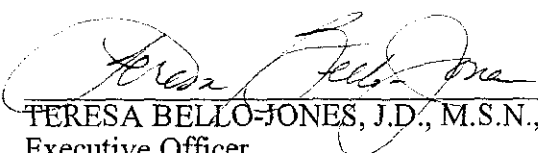
12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 15 1. Revoking or suspending Vocational Nurse License Number VN 188157,  
16 issued to Respondent;
- 17 2. Ordering Respondent to pay the Board the reasonable costs of the  
18 investigation and enforcement of this case, pursuant to Code section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20

21 DATED: August 22, 2008

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23   
24 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
25 Executive Officer  
26 Bureau of Vocational Nursing and Psychiatric Technicians  
27 Department of Consumer Affairs  
28 State of California  
Complainant